

REMARKS

Entry of the foregoing, re-examination and reconsideration of the subject matter identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.114, and in light of the remarks which follow, are respectfully requested.

Initially, Applicant wishes to acknowledge the interview held on August 25, 2005 between Examiner Mruk and Applicants' Representative. The Examiner's courtesy and helpful suggestions are acknowledged with appreciation.

By the present amendments, claims 2, 5, 9-11, 13, 21 and 30 have been canceled without prejudice or disclaimer. New claim 41 has been added which contains the features of canceled claims 2, 5, 9-11, 13 and 21. As set forth on page 21, lines 9-10, of the specification, the fabric treating compositions of the invention may contain at least 3% by weight of at least one anionic (page 21), nonionic (page 23), amphoteric or zwitterionic (page 24), or cationic (page 32) surfactants in amounts up to 50% by weight (page 32, line 24). Other detergent additives which may be optionally added are listed on pages 24-33 of the specification.

Claims 3, 4, 6, 15, 22, 23, 29, 33-36, 40 and 41 are currently pending in this application.

Claims 2-6, 9-11, 13-15, 21-23, 29, 30, 33-36 and 40 were finally rejected under 35 U.S.C. §102(b) as anticipated by WO 98/00449 (Sharma) for the reasons of record, as noted in paragraph (4) of the Final Official Action. Claims 2-6, 9-11, 13-15, 21-23, 29, 30, 33-36 and 40 were finally rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 4,746,455 to Matsuda et al for the reasons of record as stated in paragraph (5) of the Final Office Action. Reconsideration and withdrawal of these rejections are requested for at least the reasons which follow.

Neither Sharma '449 nor Matsuda et al '455 disclose copolymers containing amphoteric monomers, i.e., monomeric compounds where the cationic and anionic groups are bound to the compound via covalent bonds. To the contrary, the disclosures of these references relate to monomeric compounds having anionic groups bound to cationic groups via ionic bonds, i.e., they are salts of anionic groups and cationic counter-ions. When placed in an aqueous medium, the counter-ion dissolves as any salt would. Thus, the copolymers of the cited art are not derived from amphoteric monomers.

New claim 41 defines fabric treating compositions which clearly are not disclosed or suggested in Sharma '449 or Matsuda et al '455. Neither reference discloses a copolymer containing the amphoteric comonomers specifically set forth in claim 41.

For at least the aforementioned reasons, the §102(b) rejection over Matsuda et al. '455 should be withdrawn. Such action is earnestly requested.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned at (703) 838-6683 at his earliest convenience.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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By: George F. Lesmes

George F. Lesmes
Registration No. 19,995

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620